

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE RESEARCH FOUNDATION OF STATE)
UNIVERSITY OF NEW YORK; NEW YORK)
UNIVERSITY; GALDERMA LABORATORIES)
INC.; AND GALDERMA LABORATORIES,)
L.P.,)

Plaintiffs,

C.A. No. 09-703 (LPS)

v.

IMPAX LABORATORIES, INC.,

Defendant.

PROPOSED ORDER

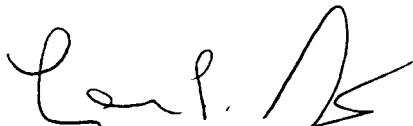
CONSIDERING the Stipulation of Dismissal submitted by the parties hereto:

IT IS ORDERED, ADJUDGED AND DECREED that any and all defenses and counterclaims of Defendant/Counterclaim Plaintiff Impax Laboratories, Inc. for invalidity of claims 2 and 14 of U.S. Patent No. 5,789,395 and claim 2 of U.S. Patent No. 5,919,775 are DISMISSED WITHOUT PREJUDICE.

Nothing herein alters the Court's prior Judgment that claims 2 and 14 of U.S. Patent No. 5,789,395 and claim 2 of U.S. Patent No. 5,919,775 are not infringed by Impax Laboratories, Inc.'s ANDA No. 91-447.

The clerk is directed to close this case.

This 7th day of January, 2014



UNITED STATES DISTRICT COURT JUDGE